



# Federal Register

---

**7-2-08**

**Vol. 73    No. 128**

**Wednesday**

**July 2, 2008**

**Pages 37775-38108**



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see [www.federalregister.gov](http://www.federalregister.gov).

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** [www.gpoaccess.gov/nara](http://www.gpoaccess.gov/nara), available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov). The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see [bookstore.gpo.gov](http://bookstore.gpo.gov).

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 73 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 202-512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 202-512-1800  
Assistance with public single copies 1-866-512-1800  
(Toll-Free)

### FEDERAL AGENCIES

#### Subscriptions:

Paper or fiche 202-741-6005  
Assistance with Federal agency subscriptions 202-741-6005

### FEDERAL REGISTER WORKSHOP

#### THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** Sponsored by the Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

**WHEN:** Tuesday, July 8, 2008  
9:00 a.m.–Noon

**WHERE:** Office of the Federal Register  
Conference Room, Suite 700  
800 North Capitol Street, NW.  
Washington, DC 20002

**RESERVATIONS:** (202) 741-6008



# Contents

## Federal Register

Vol. 73, No. 128

Wednesday, July 2, 2008

### Agriculture Department

*See* Animal and Plant Health Inspection Service

*See* Food and Nutrition Service

*See* Forest Service

*See* Rural Utilities Service

### Animal and Plant Health Inspection Service

#### RULES

Asian Longhorned Beetle; Additions to Quarantined Areas in New York, 37775

#### PROPOSED RULES

Importation of Cooked Pork Skins, 37892–37896

### Civil Rights Commission

#### NOTICES

Meetings:

Vermont Advisory Committee, 37929

### Coast Guard

#### RULES

Drawbridge Operation Regulations:

Potomac River, Oxon Hill, MD and Alexandria, VA, 37806–37808

Thames River, New London, CT, 37809

Enforcement of regulation:

Bellingham Bay, Bellingham, WA, 37809

Elliot Bay, Seattle, WA, 37810

Lake Union, Seattle, WA, 37809–37810

Regulated Navigation Area and Safety Zone:

Chicago Sanitary and Ship Canal, Romeoville, IL, 37810–37813

Safety Zone:

City of Berkeley Fourth of July Fireworks Display, Berkeley, CA, 37820–37822

Olcott, NY Fireworks, Lake Ontario, Olcott, NY, 37818–37820

Peninsula Celebration Association Annual Fireworks Spectacular, Redwood City, CA, 37815–37818

Red, White, and Blue Fireworks; Incline Village, NV, 37813–37815

Safety Zones:

City of Martinez Fourth of July Fireworks Display; Martinez, CA, 37827–37829

Fireworks Displays within the Sector Delaware Bay Captain of the Port Zone, 37829–37833

Pittsburg Chamber of Commerce Fourth of July Fireworks Display; Pittsburg, CA, 37822–37824

Tahoe City Fourth of July Fireworks Display, Tahoe City, CA, 37824–37827

Security Zone:

USCGC EAGLE, Elliott Bay, Seattle, WA, 37833–37835

Security Zones:

Escorted Vessels, Savannah, Georgia, Captain of the Port Zone, 37835–37838

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37976–37979

### Commerce Department

*See* National Institute of Standards and Technology

*See* National Oceanic and Atmospheric Administration

*See* Patent and Trademark Office

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37929–37930

### Copyright Office, Library of Congress

#### RULES

Copyright Rules and Regulations, 37838–37840

### Defense Department

*See* Navy Department

#### NOTICES

Revised Non-Foreign Overseas Per Diem Rates, 37938–37943

### Education Department

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37945

Charter Schools Program (CSP):

Grants to Non-State Educational Agencies for Planning, Program Design, and Implementation and for Dissemination, 37945–37946

### Employment Standards Administration

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37986–37987

### Energy Department

*See* Federal Energy Regulatory Commission

#### NOTICES

Meetings:

Environmental Management Site-Specific Advisory Board; Savannah River Site, 37946

Hydrogen and Fuel Cell Technical Advisory Committee, 37946–37947

### Environmental Protection Agency

#### RULES

Approval and Promulgation of Air Quality Implementation Plans:

Pennsylvania, 37840–37846

Atrazine; Pesticide Tolerances, 37850–37852

Bacillus thuringiensis Cry2Ab2 protein; Exemption from the Requirement of a Tolerance, 37846–37850

Residues of Quaternary Ammonium Compounds, Didecyl Dimethyl Ammonium Carbonate and Didecyl Dimethyl Ammonium Bicarbonate:

Exemption from the Requirement of a Tolerance, 37852–37858

US Filter Recovery Services, Inc., Under Project XL, 37858–37861

#### NOTICES

Meetings:

Coastal Elevations and Sea Level Rise Advisory Committee, 37949

Registration Review; Biopesticide Dockets Opened for Review and Comment, 37949–37951

Reregistration Eligibility Decisions; Availability:

Alkyl trimethylenediamines et al., 37951–37954

### Executive Office of the President

*See* Presidential Documents

**Federal Aviation Administration****RULES**

## Airworthiness Directives:

ATR Model ATR42-200, -300, -320, -500 Airplanes; and Model ATR72-101, -201, -102, et al. Airplanes, 37789–37791

Boeing Model 747 400, 747 400D, and 747 400F Series Airplanes, 37778–37780

Boeing Model 757 Airplanes Equipped with Rolls Royce RB211-535E Engines, 37786–37789

Boeing Model 767-200, -300, and -400ER Series Airplanes, 37781–37783

Bombardier Model DHC 8 400 Series Airplanes, 37775–37777

Dornier Model 328-100 Airplanes, 37795–37797

Hartzell Propeller Inc. ( )HC ( ) (2,3)Y(K,R)-2 Two-and Three-Bladed Compact Series Propellers, 37791–37793

Hawker Beechcraft Corporation Type Certificates No. 3A15 No. 3A16 No. A23CE and No. A30CE, 37783–37786

Turbomeca S.A. Arrius 2F Turboshaft Engines, 37793–37795

## Establishment of Class E Airspace:

Salida, CO, 37797

**PROPOSED RULES**

## Airworthiness Directives:

Boeing Model 747 100, 747 100B, 747 100B SUD, 747 200B, 747 200C, 747 200F, 747 300, 747 400, 747 400D, 747 400F, 747SR, and 747SP Series Airplanes, 37900–37903

Bombardier Model DHC-8-400, DHC-8-401, and DHC 8 402 Airplanes, 37896–37898

Fokker Model F.28 Mark 0070 and 0100 Airplanes, 37898–37900

Fokker Model F.28 Mark 0070 and Mark 0100 Airplanes, 37903–37905

## Establishment of Low Altitude Area Navigation Route (T-Route):

Houston, TX, 37905–37907

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38019–38020

Environmental Impact Statements; Availability, etc.:

Development and Extension of Runway 9R/27L and Other Associated Airport Projects at Fort Lauderdale-Hollywood International Airport, 38020–38021

Request to Release Airport Property:

Brownsville/South Padre Island International Airport, Brownsville, TX, 38021

**Federal Communications Commission****RULES**

Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, etc., 37861–37882

High-Cost Universal Service Support; Federal-State Joint Board on Universal Service, 37882–37891

**PROPOSED RULES**

Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, etc., 37911–37922

**NOTICES**

## Debarment:

Schools and Libraries Universal Service Support Mechanism, 37954–37956

**Federal Emergency Management Agency****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37980–37981

**Federal Energy Regulatory Commission****NOTICES**

Combined Notice of Filings, 37947–37949

**Federal Highway Administration****NOTICES**

Notice of Final Federal Agency Actions on Proposed Highway in Alaska, 38021–38022

Supplemental Environmental Impact Statement: Ketchikan Gateway Borough, Alaska, 38022–38023

**Federal Maritime Commission****NOTICES**

Agreements Filed, 37956

Privacy Act; Systems of Records, 37956–37970

**Federal Motor Carrier Safety Administration****NOTICES**

Commercial Driver's License Standards:

Isuzu Motors America, Inc.; Exemption Renewal, 38023–38024

**Federal Reserve System****NOTICES**

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies, 37970–37971

Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 37971

Proposals to Engage in Permissible Nonbanking Activities etc., 37971

**Food and Drug Administration****NOTICES**

Submission of Quality Information for Biotechnology Products in the Office of Biotechnology Products;

Notice of Pilot Program, 37972–37974

Withdrawal of Food Additive Petitions:

Danisco USA, Inc.; Correction, 37974

**Food and Nutrition Service****NOTICES**

## Meetings:

National Advisory Council on Maternal, Infant and Fetal Nutrition, 37928

**Forest Service****NOTICES**

Environmental Impact Statements; Availability, etc.:

Gypsy Moth Management in the United States; A Cooperative Approach, 37928

**Health and Human Services Department**

See Food and Drug Administration

See National Institutes of Health

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37971–37972

## Meetings:

American Health Information Community, 37972

**Homeland Security Department**

See Coast Guard

See Federal Emergency Management Agency

See Transportation Security Administration

**NOTICES**

Meetings:

Homeland Security Information Network Advisory Committee, 37975–37976

**Housing and Urban Development Department****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37982–37985

Regulatory Waiver Requests Granted for the First Quarter of Calendar Year (2008), 38072–38091

**Indian Affairs Bureau****PROPOSED RULES**

Class III Tribal State Gaming Compact Process, 37907–37910

**Interior Department**

See Indian Affairs Bureau

See Land Management Bureau

**Internal Revenue Service****RULES**

Amendments to the Section 7216 Regulations; Disclosure or Use of Information by Preparers of Returns, 37804–37806

Dependent Child of Divorced or Separated Parents or Parents Who Live Apart, 37797–37804

**PROPOSED RULES**

Amendments to the Section 7216 Regulations; Disclosure or Use of Information by Preparers of Returns, 37910–37911

Multiemployer Plan Funding Guidance; Correction, 37910

**Justice Department****NOTICES**

National Guidelines for Sex Offender Registration and Notification, 38030–38070

**Labor Department**

See Employment Standards Administration

See Occupational Safety and Health Administration

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37985–37986

**Land Management Bureau****NOTICES**

Invitation for Coal Exploration License Application: Colorado Coal Resources, LLC, 37985

Proposed Reinstatement of Terminated Oil and Gas Lease: Nevada, 37985

**Library of Congress**

See Copyright Office, Library of Congress

**Maritime Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38024

**National Highway Traffic Safety Administration****PROPOSED RULES**

Environmental Statements; Availability, etc.:

New Corporate Average Fuel Economy Standards; Notice of Public Hearing, 37922–37927

**National Institute of Standards and Technology****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37930

**National Institutes of Health****NOTICES**

Meetings:

National Institute of Child Health and Human Development, 37975

National Institute on Alcohol Abuse and Alcoholism, 37975

**National Oceanic and Atmospheric Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37930–37932

Atlantic Highly Migratory Species (HMS):

Atlantic Shark Management Measures, 37932–37934

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries:

Applications for Exempted Fishing Permits, 37934–37935

Marine mammals:

Withdrawal of amendment request, 37935

Meetings:

Western Pacific Fishery Management Council, 37935–37936

Taking and Importing Marine Mammals:

Taking Marine Mammals Incidental to Coastal

Commercial Fireworks Displays at Monterey Bay

National Marine Sanctuary, CA, 37936–37938

**National Science Foundation****NOTICES**

Permit Applications Received Under the Antarctic Conservation Act of 1978, 37989

**Navy Department****NOTICES**

Deadline for Submission of Donation Applications for the ex-CHARLES F. ADAMS (DDG 2), 37943–37944

Intent to Grant Exclusive Patent License:

Nomadics, Inc., 37944–37945

**Nuclear Regulatory Commission****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37989–37990

Order Imposing Fingerprinting and Criminal History Record Check Requirements for Access to Safeguards Information, 37990–37993

Orders Imposing Requirements for the Protection of Certain Safeguards Information, 37993–37997

**Occupational Safety and Health Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37987–37989

**Patent and Trademark Office****PROPOSED RULES**

Fiscal Year 2009 Changes to Patent Cooperation Treaty Transmittal and Search Fees; Correction, 38027

**Peace Corps****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37997–37998

**Pipeline and Hazardous Materials Safety Administration****NOTICES**

## Pipeline Safety:

- Dynamic Riser Inspection, Maintenance, and Monitoring Records on Offshore Floating Facilities, 38024–38025

**Presidential Documents****EXECUTIVE ORDERS**

## Defense and national security:

- Classified national security information; reforming processes for government employment, fitness for contractors, and eligibility for access (EO 13467), 38101–38108

**Rural Utilities Service****NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37928–37929

**Securities and Exchange Commission****RULES**

- Internal Control Over Financial Reporting in Exchange Act Periodic Reports of Non-Accelerated Filers, 38094–38100

**NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37998–38000
- Self-Regulatory Organizations:
  - International Securities Exchange, LLC, 38000–38001
  - National Stock Exchange, Inc., 38001–38003
  - NYSE Arca, Inc., 38003–38008
- Self-Regulatory Organizations; Proposed Rule Changes:
  - American Stock Exchange LLC, 38008–38010
  - Chicago Board Options Exchange, Inc., 38010–38012
  - Depository Trust Co., 38012–38013
  - Fixed Income Clearing Corp., 38013–38014
  - International Securities Exchange, LLC, 38014–38016
  - NASDAQ Stock Market LLC, 38016–38017

**State Department****NOTICES**

- Culturally Significant Objects Imported for Exhibition Determinations:
  - Jan Lievens: A Dutch Master Rediscovered, 38017–38018
  - Leonardo da Vinci; Drawings from the Biblioteca Reale in Turin, 38018
  - Palekh-Icons to Souvenir Boxes to Icons, 38018
  - Van Gogh and the Colors of the Night, 38018

**Surface Transportation Board****NOTICES**

- Simplified Standards for Rail Rate Cases; Taxes in Revenue Shortfall Allocation Method, 38025–38026

**Transportation Department**

*See* Federal Aviation Administration

*See* Federal Highway Administration

*See* Federal Motor Carrier Safety Administration

*See* Maritime Administration

*See* National Highway Traffic Safety Administration

*See* Pipeline and Hazardous Materials Safety Administration

*See* Surface Transportation Board

**NOTICES**

- Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B, 38018–38019

## Aviation Proceedings:

- Agreements filed (week ending June 20, 2008), 38019

**Transportation Security Administration****NOTICES**

- Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37981–37982

**Treasury Department**

*See* Internal Revenue Service

---

**Separate Parts In This Issue****Part II**

Justice Department, 38030–38070

**Part III**

Housing and Urban Development Department, 38072–38091

**Part IV**

Securities and Exchange Commission, 38094–38100

**Part V**

Executive Office of the President, Presidential Documents, 08-1409

---

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents

LISTSERV electronic mailing list, go to [http://](http://listerv.access.gpo.gov)

[listerv.access.gpo.gov](http://listerv.access.gpo.gov) and select Online mailing list

archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**3 CFR****Executive Orders:**

13467 .....	38103
EO 10450 of 4/27/1953	
(see: EO 13467) .....	38103
EO 10577 of 11/23/1954 (see: EO 13467) .....	38103
EO 10865 of 2/20/1960 (see: EO 13467) .....	38103
EO 12171 of 11/19/1979 (Amended by: EO 13467) .....	38103
EO 12333 of 12/4/1981 (see: EO 13467) .....	38103
EO 12829 of 1/6/1993 (see: EO 13467) .....	38103
EO 12958 of 4/17/1995 (see: EO 13467) .....	38103
EO 12968 of 8/2/1995 (Amended by: EO 13467) .....	38103
EO 13381 of 6/27/2005 (Revoked by: EO 13467) .....	38103

**7 CFR**

301 .....	37775
-----------	-------

**9 CFR****Proposed Rules:**

94 .....	37892
----------	-------

**14 CFR**

39 (9 documents) .....	37775,
37778, 37781, 37783, 37786,	
37789, 37791, 37793, 37795	
71 .....	37797

**Proposed Rules:**

39 (4 documents) .....	37896,
37898, 37900, 37903	
71 .....	37905

**17 CFR**

210 .....	38094
228 .....	38094
229 .....	38094
249 .....	38094

**25 CFR****Proposed Rules:**

293 .....	37097
-----------	-------

**26 CFR**

1 .....	37797
301 .....	37804

**Proposed Rules:**

1 .....	37910
26 .....	37910
301 .....	37910

**33 CFR**

117 (2 documents) .....	37806,
37809	
165 (14 documents) .....	37809,
37810, 37813, 37815, 37818,	
37820, 37822, 37824, 37827,	
37829, 37833, 37835	

**37 CFR**

201 .....	37838
202 .....	37838
203 .....	37838
204 .....	37838
205 .....	37838
211 .....	37838

**Proposed Rules:**

1 .....	38027
---------	-------

**40 CFR**

52 (4 documents) .....	37840,
37841, 37843, 37844	
174 .....	37846
180 (2 documents) .....	37850,
37852	
261 .....	37858
266 .....	37858

**47 CFR**

1 (2 documents) .....	37861,
37869	
32 .....	37882
36 .....	37882
43 (2 documents) .....	37861,
37869	
54 .....	37882

**Proposed Rules:**

1 .....	37911
43 .....	37911

**49 CFR****Proposed Rules:**

523 .....	37922
531 .....	37922
533 .....	37922
534 .....	37922
536 .....	37922
537 .....	37922